

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

SUFFOLK COUNTY WATER  
AUTHORITY,

Plaintiff,

**-against-**

THE DOW CHEMICAL COMPANY,  
FERRO CORPORATION, VULCAN  
MATERIALS COMPANY, PROCTER &  
GAMBLE COMPANY, and SHELL OIL  
COMPANY, individually and doing business  
as SHELL CHEMICAL LP.,

Defendants.

AND ALL RELATED CASES

Case No. 17-CV-6980-NG-RLM

Hon. Nina Gershon

**PLAINTIFF PRELIMINARY FACT SHEET**

This Plaintiff Preliminary Fact Sheet is to be completed by the Plaintiff in *Suffolk County Water Authority v. The Dow Chem. Co. et al.*, No. 2:17-cv-6980, and each Plaintiff in the cases marked as related that have been brought by a public or private water supplier.

The Parties recognize that responding to this fact sheet is an efficient alternative to initial disclosures and agree that the early exchange of the information below will assist them in prioritizing certain discovery and determining appropriate case management procedures. To that end, providing the responses below does not waive a Plaintiff's objection to the scope of discovery in this action or whether the information requested below is ultimately relevant or likely to lead to the discovery of admissible evidence. Nor do the responses below waive objections otherwise permitted by the Federal Rules of Civil Procedure (e.g., privilege, premature expert discovery, etc.).

For the purposes of this Fact Sheet, "you" and "your" refer to the Plaintiff; the Plaintiff's divisions, departments, officers, directors, agents, employees, and/or representatives; and any public or private water suppliers that Plaintiff purports to represent in this litigation. In completing this Fact Sheet, you must provide information that is true and correct to the best of your knowledge at the time you provide the responses below. If you do not currently know all the details requested, please provide as much information as you can. To the extent that any response requires additional space, please insert additional space or attach a continuation sheet referencing the question at issue.

While your responses below should contain true and correct information to the best of your knowledge, your responses may be amended or supplemented at any time during this litigation. If, after submitting this Fact Sheet, you learn of additional information that would make any information provided below inaccurate or incomplete, you must amend and/or supplement your responses within a reasonable amount of time after learning of such information.

## I. CASE INFORMATION

1. Name of Case and No: \_\_\_\_\_

## II. PLAINTIFF INFORMATION

2. Plaintiff's Name: \_\_\_\_\_

If Plaintiff has operated or existed under other names, please also identify any prior names.

3. Plaintiff's Address: \_\_\_\_\_

4. Identify whether Plaintiff is a ☐ public entity or an ☐ investor-owned utility.

5. Identify which of the following organizations you are a member of: Long Island Commission for Aquifer Protection; Nassau Suffolk Water Commissioners Association, American Water Works Association.

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6. Identify all geographic regions or communities where your water system, including each supply well, currently operates and has historically operated, to provide water to customers, and the approximate time periods that your water system has operated in such regions or communities.

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Provide documents sufficient to show where your water system currently operates.

7. Identify all water supply wells and all other sources of water used in your water supply system at any time since January 1, 1950, and for each well include: (a) the name and location; (b) the approximate dates the well has been in use; and (c) the well depth.

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Provide geographic information system (GIS) files, maps, or other documents sufficient to show the water system's wells and distribution systems responsive to this question.

8. State the number of metered accounts currently served by your water system.

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9. State your water system's current maximum and average daily demand in millions of gallons per day (MGD) by month over the past five (5) years.

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Provide documents sufficient to show the information requested in the above question.

10. State the average and maximum daily pumping rates for each well in your water system in which 1,4-dioxane has been detected.

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11. Identify and describe your water system's current and historic water treatment system(s) or practice(s) used to remove or reduce the presence of 1,4-dioxane, including the dates each treatment system or practice was developed, the wells that currently or previously used each treatment system or practice, the location of each treatment system, and the dates each treatment system or practice was first installed or instituted on each well.

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Provide documents sufficient to show the water system's (including each well and water source therein) current and historic treatment system(s) to remove 1,4-dioxane.

12. Identify and describe your water system's interconnections with other water providers (public and private). For each such interconnection, provide the approximate date and reason the interconnection was made.

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13. Identify each well, including the name and address, and any other location where you claim that the water system contains 1,4-dioxane. For each such well and/or other location identify: (a) the type of well (*e.g.*, supply, monitoring); (b) the dates and time periods during which 1,4-dioxane was allegedly present in each well, including the date of the first and last detection of 1,4-dioxane at any level; and (b) if known, the source of the contamination (*e.g.*, Superfund Site, residences, businesses, industrial or commercial sites).

Well Name / Identification Number	Well Address	Dates/Time Period	Point Source


14. Provide a copy of all 1,4-dioxane testing data, results, and validation reports for any sampling or testing that you have conducted, or of which you are aware, for each well or water source. To the extent not indicated in the test results or data, specify: (a) the test date; (b) the location, depth, and description of the water tested; (c) the person or entity who conducted the test; (d) the level of any 1,4-dioxane and/or other contaminants that were detected; (e) the analytical method used to obtain the test results or data (*e.g.*, EPA Method 522, 8260, 8270); (f) any testing or sampling protocols followed to collect and validate the test results or data; (g) identification of the equipment used for the testing and sampling; and (h) what treatment the water received, if any, before or after testing.

If any information requested is omitted from the attached documents or is not legible, please also provide that information in a separate table.

15. For each well in which 1,4-dioxane has been detected, provide maps or other documents sufficient to show each well's Wellhead Protection Area and capture zone (*i.e.*, the surface and subsurface area that provides recharge water to any particular well).
16. To the extent the information is reasonably accessible and in electronic form, provide a copy of 1,1,1-trichloroethane, 1,1 dichloroethene (DCE), trichloroethylene (TCE) and 1,1,1-dichloroethane (1,1-DCA) testing data/results for sampling you have conducted, or of which you are aware, for each well or water source.
16. Describe the steps you have taken to identify (a) the sources of 1,4-dioxane in each of your wells; (b) the users or disposers of 1,4-dioxane-containing products who allegedly caused 1,4-dioxane to be present in each of your wells; (c) any spills, discharges or releases of 1,4-dioxane or 1,4-dioxane-containing products that led to the presence of 1,4-dioxane in each of your wells; and (d) how consumer products containing 1,4-dioxane as byproducts have reached each of your wells.

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**Provide documents sufficient to show the information requested in the above question.**

- 17. Describe all steps taken to mitigate or study the claimed impact on your water supply system of any water allegedly containing any 1,4-dioxane (*e.g.*, installation of any treatment or remediation systems, including Advanced Oxidation Process (AOP), blending, discontinuing use of wells, drilling of additional or new wells, securing alternative water sources, providing bottled water, point of entry or other treatment or filter systems to customers).**

**For each step, include the approximate dates on which such efforts were undertaken, the number and location of the well or wells at which such efforts were undertaken, and what parties took and paid for those mitigating steps.**

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**Provide documents sufficient to show the information requested in the above question.**

- 18. Describe any steps you plan to take in the future to mitigate or study the alleged impact of 1,4-dioxane on your water supply system.**

**For each step, include the dates on which such efforts are to be undertaken, what parties will take and pay for those mitigating steps or studies, and the number and location of wells where such steps are to be taken.**

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- 19. Describe any funds, grants or recoveries, or promises of same, that you have received, or expect to receive, from any entity to address the presence of 1,4-dioxane in your water system.**
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- 21. Identify the name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that**

**information—that you may use to support your claims or defenses. This request does not include disclosure of experts or consultants.**

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- 22. Describe by category and location all documents, electronically stored information, and tangible things that you have in your possession, custody, or control and may use to support your claims or defenses.**

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- 23. Provide a computation of each category of damages that you seek in this action.**

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By: \_\_\_\_\_

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Print Name and Title/Relationship to  
Plaintiff

\_\_\_\_\_  
Date